



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-194) for a new single family house and detached garage at 939 Cherokee Avenue - Property is zoned PD-H/Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Paul Saros
380 Grant Circle, SE, #404

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot. It is located on the southwest corner of Cherokee Avenue and Kendrick Avenue.

In 2010, the property was rezoned to the Planned Development – Housing (PD-H) zoning category Z-10-07). The rezoning included three conditions. One condition related to tree species and another related to the materials and design of the public sidewalks. The last condition, however, referred to the use of a specific site plan and set of elevations for the street fronting facades. The assessment of the proposal for compliance with the PD-H rezoning conditions is the prevue of the Director of the Office of Planning. The specific elevations included in the rezoning through the conditions do not indicate any materials.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.

- b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
 - (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
 - (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Relationship to the PD-H Rezoning / Rezoning Conditions

Given the specificity of the PD-H rezoning conditions and that they are particular to this specific property, the Staff finds that any issues addressed by the PD-H rezoning conditions (and thus by extension the specific site plan and elevations referred to therein) would govern over the District regulations. So, only those issues not addressed by the PD-H specific site plan and elevations will be subject to the District regulations.

Given this regulatory relationship, the Staff would recommend that the Staff review and approval any changes to the proposal required to meet the PD-H rezoning and rezoning conditions found in Z-10-07.

Site Plan

This corner lot fronts interior lot fronts 47' on Cherokee Avenue and 139' on Kendrick Avenue. The underlying PD-H zoning regulations do not have floor area ratio or lot coverage requirements. The site plan adopted through the conditions of the PD-H rezoning established the front, side, and rear yard setbacks. The Staff would note that the front yard setback shown on the submitted site plan (23') is slightly less than the setback shown on the PD-H site plan (25'). The side and rear setbacks appear to be the same.

As required by the regulations, the site plan indicates a walkway from the porch to the sidewalk, but no material is indicated on the site plan. The Staff would recommend the front walkway material meet the District regulations. The site plans do not indicate appropriately located and screened mechanical equipment. The Staff would recommend that the site plan indicate mechanical equipment that is located and screened to meet the District regulations.

No fences or walls are shown on the proposed site plan.

Massing and Building Height

The proposed one and a half story house is defined by a full width front porch and front to back gable with a side gable facing Kendrick Avenue. The height of the house appears to be the same as shown in the PD-H elevation. Per the District regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the

standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met.

The height of the first floor also meets the District regulations given the four entrance steps up to the front porch. The Staff would note that the PD-H elevations include three entrance steps up to the front porch.

In addition to finding that the overall height and massing is appropriate, the Staff also finds that the proportions and size of the main roof meets the District regulations given the gabled form and 9:12 roof pitch. The roof form is the same as shown in the PD-H elevations and appears to have the same pitch. The PD-H elevation includes a slightly larger gable facing Kendrick and includes a shed roof dormer facing Kendrick that is no longer included in the proposed design. The current submission includes a larger shed dormer facing the interior side yard.

The front façade faces and is parallel to the street in both the PD-H site plan and the current submission.

Building Facades

The Commission reviews the facades that face a public street. This is a corner lot, therefore Staff will comment on the Cherokee and Kendrick Avenue-facing façades.

Windows and Doors

A single front door that is parallel and facing Cherokee Avenue is required and shown on the proposed plans and in the PD-H elevations. The proposed door design is compatible with the Bungalow form of the proposed design, though slightly different from the PD-H elevations.

The Applicant is proposing to install 1 over 1, double hung units for all of the windows on the Cherokee Avenue façade and some of the units on the Kendrick Avenue façade. The windows are individual and grouped in twos and threes. The District regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. The Staff would recommend that the Applicant document that the proposed fenestration meets the percentage requirement.

The Staff would note that the PD-H elevations contain a different window configuration along the Kendrick Avenue façade, including the side-facing gable, main façade of the house, and the side façade of the garage.

No skylights are shown on the current or PD-H elevations.

Front Porch

The proposed dwelling has a full width front porch with a depth of 10' which is the same as shown on the PD-H site plan. As the minimum depth of porches is 7', the Staff finds the porch depth meets the District regulations. The porch features columns that are compatible with other similar porches in the district, but also includes a combination railing and bench system which is a concern to the Staff and is not included in the PD-H elevations which show a convention picket-style railing system. The Staff finds that this combination railing and bench system is not compatible with porch railings in the District however the District regulations do not include a specific requirement for front porch railings. The Staff would suggest that the front porch railing be compatible with the style of the house.

The porch stairs will have closed risers and ends.

Side Porch facing Kendrick Avenue

The side porch facing Kendrick Avenue is partially covered and also functions as a breezeway between the house and the detached garage. As a side porch, it meets the minimum depth requirement of 4'. As a deck, it is located to the rear of the principal structure (i.e. the main house). AS with the front porch railing, though, the Staff would suggest that the side porch railing be compatible with the style of the house.

Building Materials

The materials that are specified on the plans include cementitious siding, wood and cementitious trim, stone porch column bases, wood porch column shafts, wood and metal front porch railing / bench, asphalt architectural shingles, a wood bracket, and stucco foundation. The Staff finds that of the materials specified on the plans are appropriate and meet the regulations. The Staff would note, however, it is concerned about the use of an "ashlar pattern stone" base for the front porch columns, which would be a somewhat unusual treatment for a front porch column in the District. The Staff would suggest that if this treatment is used, real stone be installed not stone facing.

No materials are specified on the PD-H elevations, though they do show siding material in both gables whereas the current submission shows a board and batten siding design and the front porch column bases appear to be brick vs. the stone shown in the current submission.

Accessory Structure / Garage

The Staff finds that the proposed garage meets all of the applicable District regulations. It is located to the rear of the principal structure, it is located outside the half-depth front yard and the double entrance garage doors are not located on street-facing façade.

The Staff would note, though, that the height of the garage is slightly taller than shown in the PD-H elevations.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the Application for a Type III Certificates of Appropriateness (CA3-13-194) for a new single family house and detached garage at **939 Cherokee Avenue**, with the following conditions:

1. The Staff shall review and approval any changes to the proposal required to meet the PD-H rezoning and rezoning conditions found in Z-10-07;
2. The front walkway material shall meet the District regulations, per Section 16-20K.007(2)(B)(15)(a);
3. The site plan shall indicate mechanical equipment that is located and screened to meet the District regulations, per Section 16-20K.007(2)(B)(13);
4. The Applicant shall document that the proposed fenestration meets the percentage requirement, per Section 16-20K.007(2)(B)(11); and
5. The Staff shall review, and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-194) for a new single family house and detached garage at 939 Cherokee Avenue - Property is zoned PD-H/Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Paul Saros
380 Grant Circle, SE, #404

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot. It is located on the southwest corner of Cherokee Avenue and Kendrick Avenue.

In 2010, the property was rezoned to the Planned Development – Housing (PD-H) zoning category Z-10-07). The rezoning included three conditions. One condition related to tree species and another related to the materials and design of the public sidewalks. The last condition, however, referred to the use of a specific site plan and set of elevations for the street fronting facades. The assessment of the proposal for compliance with the PD-H rezoning conditions is the prevue of the Director of the Office of Planning. The specific elevations included in the rezoning through the conditions do not indicate any materials.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.

- b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
 - (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
 - (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Relationship to the PD-H Rezoning / Rezoning Conditions

Given the specificity of the PD-H rezoning conditions and that they are particular to this specific property, the Staff finds that any issues addressed by the PD-H rezoning conditions (and thus by extension the specific site plan and elevations referred to therein) would govern over the District regulations. So, only those issues not addressed by the PD-H specific site plan and elevations will be subject to the District regulations.

Given this regulatory relationship, the Staff would recommend that the Staff review and approval any changes to the proposal required to meet the PD-H rezoning and rezoning conditions found in Z-10-07.

Site Plan

This corner lot fronts interior lot fronts 47' on Cherokee Avenue and 139' on Kendrick Avenue. The underlying PD-H zoning regulations do not have floor area ratio or lot coverage requirements. The site plan adopted through the conditions of the PD-H rezoning established the front, side, and rear yard setbacks. The Staff would note that the front yard setback shown on the submitted site plan (23') is slightly less than the setback shown on the PD-H site plan (25'). The side and rear setbacks appear to be the same.

As required by the regulations, the site plan indicates a walkway from the porch to the sidewalk, but no material is indicated on the site plan. The Staff would recommend the front walkway material meet the District regulations. The site plans do not indicate appropriately located and screened mechanical equipment. The Staff would recommend that the site plan indicate mechanical equipment that is located and screened to meet the District regulations.

No fences or walls are shown on the proposed site plan.

Massing and Building Height

The proposed one and a half story house is defined by a full width front porch and front to back gable with a side gable facing Kendrick Avenue. The height of the house appears to be the same as shown in the PD-H elevation. Per the District regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the

standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met.

The height of the first floor also meets the District regulations given the four entrance steps up to the front porch. The Staff would note that the PD-H elevations include three entrance steps up to the front porch.

In addition to finding that the overall height and massing is appropriate, the Staff also finds that the proportions and size of the main roof meets the District regulations given the gabled form and 9:12 roof pitch. The roof form is the same as shown in the PD-H elevations and appears to have the same pitch. The PD-H elevation includes a slightly larger gable facing Kendrick and includes a shed roof dormer facing Kendrick that is no longer included in the proposed design. The current submission includes a larger shed dormer facing the interior side yard.

The front façade faces and is parallel to the street in both the PD-H site plan and the current submission.

Building Facades

The Commission reviews the facades that face a public street. This is a corner lot, therefore Staff will comment on the Cherokee and Kendrick Avenue-facing façades.

Windows and Doors

A single front door that is parallel and facing Cherokee Avenue is required and shown on the proposed plans and in the PD-H elevations. The proposed door design is compatible with the Bungalow form of the proposed design, though slightly different from the PD-H elevations.

The Applicant is proposing to install 1 over 1, double hung units for all of the windows on the Cherokee Avenue façade and some of the units on the Kendrick Avenue façade. The windows are individual and grouped in twos and threes. The District regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. The Staff would recommend that the Applicant document that the proposed fenestration meets the percentage requirement.

The Staff would note that the PD-H elevations contain a different window configuration along the Kendrick Avenue façade, including the side-facing gable, main façade of the house, and the side façade of the garage.

No skylights are shown on the current or PD-H elevations.

Front Porch

The proposed dwelling has a full width from porch with a depth of 10' which is the same as shown on the PD-H site plan. As the minimum depth of porches is 7', the Staff finds the porch depth meets the District regulations. The porch features columns that are compatible with other similar porches in the district, but also includes a combination railing and bench system which is a concern to the Staff and is not included in the PD-H elevations which show a convention picket-style railing system. The Staff finds that this combination railing and bench system is not compatible with porch railings in the District however the District regulations do not include a specific requirement for front porch railings. The Staff would suggest that the front porch railing be compatible with the style of the house.

The porch stairs will have closed risers and ends.

Side Porch facing Kendrick Avenue

The side porch facing Kendrick Avenue is partially covered and also functions as a breezeway between the house and the detached garage. As a side porch, it meets the minimum depth requirement of 4'. As a deck, it is located to the rear of the principal structure (i.e. the main house). AS with the front porch railing, though, the Staff would suggest that the side porch railing be compatible with the style of the house.

Building Materials

The materials that are specified on the plans include cementitious siding, wood and cementitious trim, stone porch column bases, wood porch column shafts, wood and metal front porch railing / bench, asphalt architectural shingles, a wood bracket, and stucco foundation. The Staff finds that of the materials specified on the plans are appropriate and meet the regulations. The Staff would note, however, it is concerned about the use of an "ashlar pattern stone" base for the front porch columns, which would be a somewhat usual treatment for a front porch column in the District. The Staff would suggest that if this treatment is used, real stone be installed not stone facing.

No materials are specified on the PD-H elevations, though they do show siding material in both gables whereas the current submission shows a board and batten siding design and the front porch column bases appear to be brick vs. the stone shown in the current submission.

Accessory Structure / Garage

The Staff finds that the proposed garage meets all of the applicable District regulations. It is located to the rear of the principal structure, it is located outside the half-depth front yard and the double entrance garage doors are not located on street-facing façade.

The Staff would note, though, that the height of the garage is slightly taller than shown in the PD-H elevations.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the Application for a Type III Certificates of Appropriateness (CA3-13-194) for a new single family house and detached garage at **939 Cherokee Avenue**, with the following conditions:

1. The Staff shall review and approval any changes to the proposal required to meet the PD-H rezoning and rezoning conditions found in Z-10-07;
2. The front walkway material shall meet the District regulations, per Section 16-20K.007(2)(B)(15)(a);
3. The site plan shall indicate mechanical equipment that is located and screened to meet the District regulations, per Section 16-20K.007(2)(B)(13);
4. The Applicant shall document that the proposed fenestration meets the percentage requirement, per Section 16-20K.007(2)(B)(11); and
5. The Staff shall review, and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 14, 2013**

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-196) for alterations at **1150 Peachtree Street (Wimbish House)** - Property is zoned SPI-16 (Subarea 1)/Landmark Building or Site (LBS).

Applicant: Nabil Hammam
1729 Friar Tuck Road

Facts: In August 8, 2013, the Commission reviewed and approved with conditions (CA2-12-173) alterations to the Wimbish House, also known as the Atlanta Women's Club. Those alterations focused on the stone and masonry exterior treatments, porch railing, porch floor, walkways and curbing, and handicapped access. In the current submission, the Applicant proposes to amend some of those actions and add new actions:

1. Replace the covered portion of the non-historic concrete front porch floor with limestone;
2. Replace the non-historic front porch railing;
3. Replace the non-historic, lowered, drywall ceiling with a higher wood, bead board ceiling;
4. Replace the non-historic wood, front dormer windows and trim with wood windows and PVC wood trim;
5. Replace the non-historic wood sunroom windows with wood windows and PVC wood trim;
and
6. Replace the non-historic sunroom exit door with a wood exit door.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (1) *Landmark buildings and sites:*
 - (a) To change the exterior appearance of any Landmark Building or Site;

Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, for purposes and objectives contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic regulations as are required in article D of chapter 4 or part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Staff has no concerns about the removal of the non-historic front porch concrete floor, front porch railing, front porch ceiling, windows and associated deteriorated trim, and exit door.

The Staff has no concerns about the replacement of the front porch railing, windows, and exit door with replicated versions of historic elements for two reasons. First, the replication will be based on photographic documentation or existing historic elements still on site. Second, any remaining historic features, such as the decorative leaded glass and transoms for the windows, will be retained, repaired and incorporated into the installation.

The Staff also does not have any concerns about the installation of a secondary, simple metal rail above the replicated historic, wood railing on the front porch as it will be clearly contemporary, minimal in size and visual impact, and could be removed with minimal damage to the architectural fabric in that part of the house.

Regarding the front porch ceiling work, the Staff finds that raising the ceiling to its apparent original height and installing v-groove or true bead-board, wood ceiling would also meet the requirements. Given the photographs of the framing system and flat ceiling design the Staff would support this type of ceiling installation. The existing ceiling cuts off the tops of the arches which further supports the rationale for the new ceiling height.

The Staff does have concerns, though, about the installation of the limestone tiles for a portion of the front porch floor. The Applicant's research indicates that the historic material for the front porch floor was broken terra cotta tile. Their research of similar buildings in the area indicates a variety of materials were used, including smaller tiles at Rhodes Hall. The Staff is concerned that the limestone, even laid in a "French pattern" will appear too contemporary and "polished" of a finish. Further, unlike the front porch ceiling in which only secondary evidence can be used to surmise a material finish, there is direct documentation of the apparent original material. Given the information about the apparent original material, the Staff finds reinstallation of a very similar material will not create a false sense of history.

The Staff would recommend that the replacement front porch floor material be based on photographic, archival, or physical evidence associated with the subject property.

The other area of concern for the Staff is the use of the PVC wood for the replacement trim and details associated with the front dormer windows and sunroom windows. While it appreciates the benefits of the composite material to the property owner, the requirements note that "the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities." The Staff would acknowledge that alternative materials are given consideration and outright acceptance in some of the City's Historic and Landmark Districts, but would note that the regulations that apply to Landmark Building / Site designations do not include that consideration. The Staff would add that it does not find the regulations specify the type of wood that must be used, rather that it just be wood.

The Staff would recommend that all replacement trim and associated architectural details match the material of the existing or original trim or detail being replaced.

SPI Review

In addition to being a Landmark Building, the subject property is also in a Special Public Interest District (SPI). It is the Staff's understanding that the scope of the proposed work does not require a Special Administrative Permit (SAP) which is otherwise required in an SPI district. Nonetheless, the Staff would recommend that if any changes in the scope of work are necessitated by a SPI review, those changes be reviewed, and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

(1) Except as noted above, the proposed alterations meet the requirements, per Section 16-20.009.

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-13-196) for alterations at **1150 Peachtree Street (Wimbish House)** - Property is zoned SPI-16 (Subarea 1)/Landmark Building or Site (LBS), with the following conditions:

1. The replacement front porch floor material be based on photographic, archival, or physical evidence associated with the subject property, per Section 16-20.009(2), (3), (4), and (5);
2. All replacement trim and associated architectural details match the material of the existing or original trim or detail being replaced, per Section 16-20.009(2), (3), (4), and (5);
3. If any changes in the scope of work are necessitated by a SPI review, those changes shall be reviewed, and if appropriate, approved by Staff; and
4. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 - ATLANTA, GEORGIA 30303-0308
404-330-6145 - FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-197) for major alterations at **359 Loomis Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Roderick Cloud
1110 Cascade Circle

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1904 is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) Off-street parking and driveway requirements:
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of

these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is an interior lot, Staff will make comments on the front façade and the site.

Site

The lot in question front 46' On Loomis Avenue and has a depth of 93'. According to the Applicant there are no floor area ratio or lot coverage changes. In looking at the site plan the existing landing and stairs will be demolished and new stairs will be added. As there is no scale on the plans, it is not clear whether the stairs that are being added are the same size as the stair and landing that will be demolished. Staff recommends the Applicant submit a properly scaled site plan. Staff recommends the Applicant provide documentation that the finished project meets the lot coverage requirement. As there are no additions proposed, Staff has no concerns regarding the setbacks or the floor area ratio.

Alterations

The front façade of the existing house features three small decorative gables, two doors centered in between columns and what appears to be an original window. In looking at the Sanborn Fire Insurance maps from 1911, this house was originally a single family home and the porch was an "L" shape. In looking at the existing conditions, it is clear that part of the porch was enclosed to create living space and the door on the left of the front façade was added to accommodate the conversion to a duplex. The location of the original door is not clear, although it is likely that it would have been centered under the large decorative gable.

The Applicant is proposing to remove the three small decorative gables on the front façade. Staff finds these are not original elements and the number of small gables is not typical. Staff does not have a concern with the proposed removal. The Applicant is proposing to remove the gable vent on the large gable and install a new window. While Staff does not have concerns with the installation of a window, Staff recommends the window in the gable appear to be double hung.

The Applicant is proposing to replace the columns. In looking at survey pictures, the original columns appear to be in the back and the columns in the front are non-original and likely non-historic. As such, Staff has no concerns regarding the replacement of the front columns. Staff recommends the rear columns are retained and the new columns should match the original columns in design and material.

The Applicant is proposing to remove two existing doors and windows on the front façade. The replacement will include one door, two sets of triple windows and one window unit. The porch on the left façade was enclosed, therefore the existing window and door on the left side are not original to the house. Staff has no concern regarding the removal of the window and the door on the left side of the front façade. Staff finds the proposed window unit on the left side is appropriate.

Staff has concerns regarding the removal of the window towards the center of the house. Staff finds it likely the window in the center is original. As such, Staff recommends the center window is repaired and retained. Staff has no concerns regarding the installation of the new door. Staff finds the location and design is appropriate. While Staff finds it likely the original door would have been located in the proposed location, Staff recommends the Applicant provide information as to whether there are any internal clues that indicate the location of the original door.

The Applicant is proposing to install a triple window unit on the right side of the front elevation. Staff finds that triple window units are not typical and do not reinforce the architectural character of the house. As such, Staff recommends the elevation feature an appropriate window unit or individual windows. The Applicant is proposing the installation of new wood stairs. Staff finds the location, design and materials are appropriate.

The Applicant is proposing various repairs and replacements in-kind, including the skirt board, siding, soffits, fascia, trim and siding. As the repairs will be done in-kind, Staff does not have concerns. The plans also indicate that some items may require replacement, including the roof structure. As Staff does not have any information that would indicate the need for wholesale replacement of any of the above mentioned items, Staff cannot support wholesale replacement at this time. If there are proposed replacements, Staff recommends the Applicant provide documentation these items cannot be repaired and must be replaced. If replacement is warranted, Staff has no concerns with in-kind replacements.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of (CA3-13-197) for major alterations at **359 Loomis Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall submit a properly scaled site plan, per Section 16-07.008(6);
2. The Applicant shall provide documentation that the finished project meets the lot coverage requirement, per Section 16-07.008(6);

3. The window in the gable shall appear to be double hung, per Section16-20K.007(2)(D);
4. The rear columns shall be retained and the new columns shall match the original columns in design and material, per Section16-20K.007(2)(D);
5. The center window shall be repaired and retained, per Section16-20K.007(2)(D);
6. The Applicant shall provide information as to whether there are any internal clues that indicate the location of the original door, per Section16-20K.007(2)(D);
7. The right elevation shall feature an appropriate window unit or individual windows, per Section16-20K.007(2)(D);
8. The Applicant shall provide documentation that replacement of any original or historic elements on the front façade cannot be repaired and must be replaced, per Section16-20K.007(2)(D); and
9. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-197) for major alterations at **359 Loomis Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Roderick Cloud
1110 Cascade Circle

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1904 is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) Off-street parking and driveway requirements:
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of

these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is an interior lot, Staff will make comments on the front façade and the site.

Site

The lot in question front 46' On Loomis Avenue and has a depth of 93'. According to the Applicant there are no floor area ratio or lot coverage changes. In looking at the site plan the existing landing and stairs will be demolished and new stairs will be added. As there is no scale on the plans, it is not clear whether the stairs that are being added are the same size as the stair and landing that will be demolished. Staff recommends the Applicant submit a properly scaled site plan. Staff recommends the Applicant provide documentation that the finished project meets the lot coverage requirement. As there are no additions proposed, Staff has no concerns regarding the setbacks or the floor area ratio.

Alterations

The front façade of the existing house features three small decorative gables, two doors centered in between columns and what appears to be an original window. In looking at the Sanborn Fire Insurance maps from 1911, this house was originally a single family home and the porch was an "L" shape. In looking at the existing conditions, it is clear that part of the porch was enclosed to create living space and the door on the left of the front façade was added to accommodate the conversion to a duplex. The location of the original door is not clear, although it is likely that it would have been centered under the large decorative gable.

The Applicant is proposing to remove the three small decorative gables on the front façade. Staff finds these are not original elements and the number of small gables is not typical. Staff does not have a concern with the proposed removal. The Applicant is proposing to remove the gable vent on the large gable and install a new window. While Staff does not have concerns with the installation of a window, Staff recommends the window in the gable appear to be double hung.

The Applicant is proposing to replace the columns. In looking at survey pictures, the original columns appear to be in the back and the columns in the front are non-original and likely non-historic. As such, Staff has no concerns regarding the replacement of the front columns. Staff recommends the rear columns are retained and the new columns should match the original columns in design and material.

The Applicant is proposing to remove two existing doors and windows on the front façade. The replacement will include one door, two sets of triple windows and one window unit. The porch on the left façade was enclosed, therefore the existing window and door on the left side are not original to the house. Staff has no concern regarding the removal of the window and the door on the left side of the front façade. Staff finds the proposed window unit on the left side is appropriate.

Staff has concerns regarding the removal of the window towards the center of the house. Staff finds it likely the window in the center is original. As such, Staff recommends the center window is repaired and retained. Staff has no concerns regarding the installation of the new door. Staff finds the location and design is appropriate. While Staff finds it likely the original door would have been located in the proposed location, Staff recommends the Applicant provide information as to whether there are any internal clues that indicate the location of the original door.

The Applicant is proposing to install a triple window unit on the right side of the front elevation. Staff finds that triple window units are not typical and do not reinforce the architectural character of the house. As such, Staff recommends the elevation feature an appropriate window unit or individual windows. The Applicant is proposing the installation of new wood stairs. Staff finds the location, design and materials are appropriate.

The Applicant is proposing various repairs and replacements in-kind, including the skirt board, siding, soffits, fascia, trim and siding. As the repairs will be done in-kind, Staff does not have concerns. The plans also indicate that some items may require replacement, including the roof structure. As Staff does not have any information that would indicate the need for wholesale replacement of any of the above mentioned items, Staff cannot support wholesale replacement at this time. If there are proposed replacements, Staff recommends the Applicant provide documentation these items cannot be repaired and must be replaced. If replacement is warranted, Staff has no concerns with in-kind replacements.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of (CA3-13-197) for major alterations at **359 Loomis Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall submit a properly scaled site plan, per Section 16-07.008(6);
2. The Applicant shall provide documentation that the finished project meets the lot coverage requirement, per Section 16-07.008(6);

3. The window in the gable shall appear to be double hung, per Section16-20K.007(2)(D);
4. The rear columns shall be retained and the new columns shall match the original columns in design and material, per Section16-20K.007(2)(D);
5. The center window shall be repaired and retained, per Section16-20K.007(2)(D);
6. The Applicant shall provide information as to whether there are any internal clues that indicate the location of the original door, per Section16-20K.007(2)(D);
7. The right elevation shall feature an appropriate window unit or individual windows, per Section16-20K.007(2)(D);
8. The Applicant shall provide documentation that replacement of any original or historic elements on the front façade cannot be repaired and must be replaced, per Section16-20K.007(2)(D); and
9. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 14, 2013**

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-199) for a special exception for an amusement arcade and a Type II Certificate of Appropriateness (CA2-13-207) for signage at **427 (aka 429) Edgewood Avenue** – Property is zoned Martin L. King, Jr. Landmark (Subarea 5) / Beltline.

Applicant: Juan Martinez
427 Edgewood Avenue

Facts: The subject building is a one-story, multi-bay, masonry building located at the south side of Edgewood Avenue. According to the District inventory sheet, the building was built around 1946. The Joystick Gamebar has been operation for about a year as an eating and drinking establishment that includes arcade-style video games. The inclusion of the arcade games within the eating and drinking establishment creates an “amusement arcade” use, which requires a special exception from the Commission per the District regulations.

While interior renovations have occurred, the proposed wall sign is the first exterior renovation that is subject to review by the Commission.

Analysis: The following code sections apply to this application:

Per Section 16-20.007:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - a. To change the exterior appearance of any structure within any Landmark District.

Per Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District

regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

Sec. 16-20C.008. Edgewood Commercial District Subarea 5.

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the Edgewood Commercial District subarea.

These regulations are intended to preserve those commercial structures along Edgewood Avenue that are architecturally compatible with the historic character of the Martin Luther King, Jr. Landmark District, and to ensure that future development shall proceed in a manner compatible with the character of the subarea as a modest-scale commercial district, and also compatible with the character of the Martin Luther King, Jr. Landmark District as a whole.

- (3) Special permits: The following uses shall require a special permit of the type indicated to be granted by the AUDC in accordance with the applicable provisions of chapter 25 of this part.
 - a. Special exceptions:
 1. Mortuaries, funeral homes.
 2. Poolrooms, billiard parlors, amusement arcades.

Sec. 16-25.002. Special permits, general.

No building or occupancy permit shall be issued for any structure or use requiring any of the above special permits until such special permit has been obtained, and any such structure or use shall be in full accord with the requirements and limitations set forth in such special permit. No such permits shall be required or issued except in classifications specifically provided for in this part, or other than in accord with the procedures, standards and requirements set forth in connection therewith.

- (1) Conditions: In granting special permits, such conditions may be attached as are deemed necessary in the particular case to protect the public interest and surrounding properties. Such conditions shall generally be of a nature as so stated in (3) below, "Construction, generally."
- (3) Construction, generally: No special permit shall be issued unless it is determined that, in addition to meeting the special requirements set forth within the district within which such special permit is located, satisfactory provisions and arrangements have been made concerning the following, applicable to each application, provided however that where site plans and conditions are attached to special use permits, the site plan and the conditions shall control with respect to the setbacks, lot coverage of the buildings on the site and floor area ratio allowed by such site plans and conditions. Provided further that any decrease of any setback, lot coverage or open space or increase in floor area ratio shall be noted on the site plan and addressed in the appropriate subsection below:
 - a. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to the items in a. above.
 - c. Refuse and service areas.
 - d. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
 - e. Hours and manner of operations.
 - f. Length of time regarding the duration of such permit, if any.
 - g. Tree preservation and replacement in accordance with the requirements of the City of Atlanta Tree Ordinance.
 - h. Required yards and other open spaces;
 1. For special use permits, required yards and open spaces shall be permitted in the manner represented on the site plan and set forth in the conditions. Where no site plan or conditions are attached to a special use permit concerning required yards and open spaces, the district regulations shall control.

2. For special administrative permits, the district regulations shall control but variations may be granted if permitted by the district regulations.

Per Section 16-28A.010

(27) M. L King, Jr. Landmark District: The following signs shall be permitted in the M. L. King, Jr. Landmark District:

- a. General Regulations: Signs within the M.L. King, Jr. landmark district are subject to the following regulations:
 1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
- f. Edgewood Commercial Corridor (Subarea 5): The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 1. No individual sign shall exceed 100 square feet in sign area.
 2. No freestanding sign shall exceed 20 feet above the ground level.
 3. No projecting sign shall exceed eight (8) square feet in sign area.
 4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 5. Signs shall be location as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper façade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 6. No changing signs shall be permitted.
 7. No internally illuminated signs shall be permitted.

In addition, the SPI-1 (Central Core) sign requirements apply to this subarea of the District.

Special Exception Analysis (CA3-13-199)

The Applicant provided a justification for their special exception request, which is attached to this Staff Report. The Staff concurs with the Applicant's analysis and justification, particularly given that the inclusion of the arcade-style video games within the eating and drinking establishment will not require any alterations to the overall building or site and only minimal alterations (if any) to the interior spaces. The inclusion of the arcade-style video games will not affect any type of access to the existing, historic building. The inclusion of the arcade-style video games will not require any additional parking or loading operations for the business then otherwise already required and provided. Given that the arcade-style video games are wholly contained within the existing building, no screening, buffering, required yards, open spaces, or trees will be affected by their presence. The hours of operation of the existing business and length of time requested for the duration of the special exception permit are consistent with the business operations of an eating and drinking establishment and will not adversely affect the District. Lastly, the Staff finds that the issuance of a special exception for an amusement arcade will not negatively affect the public interest or the surrounding properties.

Based on this analysis, the Staff would recommend approval of the special exception request.

The Staff would note that this special exception only applies to the current business establishment, as well as the current owner and operator. Transfer of the current special exception to a different business establishment, business owner or business operator may require review by the Director of the Office of Planning, per Section 16-25.002(2)(b).

Sign Analysis (CA3-13-207)

The wall mounted, channel letter sign will be 12 ft. long and 22 in. high, for a total sign area of 22 sq. ft. The sign will be mounted just above the awning-covered transom windows. The sign will consist of neon tubing in open channel letters mounted to a raceway, which will be attached to the building. The sign design sheet included in the submission is not scaled. Although it is not clear how big or deep the raceway is, the channel letters will project out from the façade of the building and project up and down from the raceway.

According to the SPI-1 and District regulations, three business identifications signs are permitted for each business establishment. Per the Subarea 5 sign regulations, wall signs mounted between the transom windows and the cornice are permitted. As noted above, the sign has less than 100 sq. ft. of sign area. The sign area of the sign appears to be less than 10% of the total wall area of the building façade related to the business. The number, location, type, and size of the sign meet the specific SPI-1 and District regulations.

The metal and neon materials proposed for the sign meet the District regulations and are compatible with the building's architecture and materials. Metal signs are routinely found in the District and approved by the Commission. The use of neon, while not as prevalent does occur (including on some remaining original or historic signs), meets the District regulations and is compatible with the building's architecture and materials. The signs are not internally illuminated, given the open channel letter format and no changing components are proposed.

However, the Staff is concerned about the relationship between the raceway and the letters. First, the Staff is concerned that the depth of the raceway will push the letters away from the building too far. Second, given that the letters are larger than the raceway, the Staff is concerned that they will appear mounted to the raceway and not to the building. Both of these characteristics will make the sign less a wall sign and more of a collection of mounted lettering.

While the Staff appreciates the need for the transformer and a mounting system for the letters, it finds that other options are available to create a true wall sign that will in fact be mounted to the wall of the building. For example, the letters could be mounted to a sign board that is at least equal in size to the channel letters, with the transformer positioned to reduce its front to back depth. This sign board could then be mounted much closer to the wall than the channel letters are in the submitted proposal.

The Staff would recommend that the sign be redesigned to reduce the distance between the channel letters and the wall of the building and to provide for a backdrop to the channel letters.

Addition, the Staff would recommend that the signs' mounting brackets/hardware be secured to the mortar of the building, not the masonry. Mounting the signs in this manner will eliminate damage to the masonry itself, which is much more permanent and difficult to remedy than holes in masonry mortar.

Further, the Staff would recommend that it be authorized to work with the current Applicant and approve (if appropriate) any revised signage proposals for the subject property that utilize similar materials and that otherwise meet all of the District and Subarea 5 sign regulations, without further review by the Commission.

Staff Recommendation: Based upon the following:

1. The special exception request meets the criteria for granting such a request, per Section 16-25.002.

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-199) for a special exception for an amusement arcade at **427 (aka 429) Edgewood Avenue**.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposed wall sign meets the District regulations, per Section 16-20.009 and Section 16-28A.010(27)(a) and (f).

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-13-207) for signage at **427 (aka 429) Edgewood Avenue**, with the following conditions:

1. The Staff would recommend that the sign be redesigned to reduce the distance between the channel letters and the wall of the building and to provide for a backdrop to the channel letters, per Section 16-20.009(6);
2. The signs' mounting brackets/hardware shall be secured to the mortar of the building, not the masonry, per Section 16-20.009(6); and
3. The Staff shall be authorized to work with the current Applicant and approve (if appropriate) any revised signage proposals for the subject property that utilize similar materials and that otherwise meet all of the District and Subarea 5 sign regulations, without further review by the Commission.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-13-200) for alterations replacement of existing windows at **501 Grant Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Michael Dryden
398 Grant Park Place

Facts: According to the Grant Park Inventory sheet this existing church was built in 1907 is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
- (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity.

Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.

(c) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In Grant Park, the Commission reviews alterations that face a public street. As this is corner lot, Staff will make comment regarding the street facing facades.

The existing church was built in 1907 and is considered contributing. According to the church website there was a three story brick addition constructed in the 1920's. The 1920's addition was replaced in the 1980's after a fire. The Applicant is proposing to replace ten windows on the non-historic 1980's addition. As the windows are not original or historic, Staff has no concerns regarding the replacement.

All of the existing windows on the buildings are aluminum and have internal dividers. In general, Staff finds that aluminum windows with internal dividers are not consistent and compatible with windows on contributing buildings of like use in the district. As this portion of the building is not

historic, the regulations allow for the replacement windows to meet the new construction guidelines. The new construction guidelines allow for new windows to either meet a percentage requirement or be compatible with windows on contributing buildings of like use. As the proposed windows meet the percentage requirement, Staff finds the windows meet the regulations. Staff suggests the new windows are simulated or true divided lite to be more consistent and compatible with contributing buildings of like use in the district.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-13-200) for alterations replacement of existing windows at **501 Grant Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1).



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-201) for a new single family house at **405 Georgia Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Michael Dryden
398 Grant Park Place

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall

require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

- (2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

- B. *Design Standards and Criteria for New Principal Structures.*

- 1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 - 2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - 3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
 - 4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
 - 5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
 - 6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
 - 7. The first floor of the principal structure shall be on foundations and elevated above the grade a

- minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
 9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
 10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
 11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
 12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
 13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Site Plan

This double frontage lot fronts interior lot fronts 43' on Georgia Avenue, fronts 43' on Pavillion Street and has a depth of 164'. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50 of the net lot area. The FAR is not indicated on the plans. Staff recommends the project meet the FAR requirement. Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage is not indicated on the plans. Staff recommends the project meet the lot coverage requirements.

Per regulations, the front yard setback is based on the compatibility rule. The Applicant indicates the average setback matches the proposed setback. As the regulations require a range for buildings of like use on the same side of the street, Staff recommends the Applicant provide information regarding the front yard setbacks of the houses of like use on the block face. As this lot had frontage on two streets, Staff finds the proposed house must meet the front yard setback requirements for the Pavillion Street elevation. Staff recommends the Applicant provide documentation the front yard setback for the Pavillion Street elevation has been met. Per regulations, the side yard setback shall be no less than 7'. Staff finds the side setback requirement has been met.

In looking at the site plan, an existing curb cut is indicated, however there is no parking indicated on the site plan. As there is no parking allowed between the house and the street, Staff would note that a variance would be required to allow any parking off of Pavillion. Staff recommends the Applicant clarify whether any parking is proposed as part of this project.

As required by the regulations, the site plan indicates a concrete walkway and stairs from the porch to the sidewalk. There is no mechanical equipment indicated on the site plan. Staff recommends that any mechanical equipment be indicated on the site plan. Staff further recommends that any mechanical equipment meet the setback requirement and is appropriately screened.

Massing and Building Height

The proposed two story house is defined by a hipped roof with a front facing gable bay, a half width porch on the second floor and a full width porch on the first floor. As most of the houses on this portion of Georgia Avenue are single-story, Staff finds the overall height, massing and design of the proposed house is not similar to the historic houses on the block. As the maximum allowed height is 35' and the regulations do not restrict the overall design of the proposed house, Staff finds the overall height, massing and design meet the regulations.

Building Facades

The Commission reviews the facades that face a public street. This is a double frontage lot, therefore Staff will comment on both street facing facades.

Windows and Doors

There are single doors that are parallel and face both Georgia Avenue and Pavillion Street as required. Staff finds the proposed doors are appropriate to the style of the house.

The Applicant is proposing to install individual 1 over 1 windows, double window units and triple window units. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff has concerns regarding the proposed separation between units, trim, headers and sills. However, as the windows meet the percentage requirement, Staff finds the window regulations have been met.

Building Materials

The plans do not indicate any of the building materials. Staff recommends all materials are indicated on the plans. Staff further recommends all building materials meet the regulations.

Porch

The proposed dwelling has a full width porch with a depth that ranges from 7' to 10'. As the minimum depth of porches is 7', Staff finds the porch width requirement has been met. The porch features columns and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style. Given the height of the foundation, Staff finds a railing is required to meet safety code. As such, Staff has no concerns regarding the height of the proposed railing.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-201) for a new single family house at **405 Georgia Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The project shall meet the FAR requirement, per Section 16-06A.008(5)(a);
2. The project shall meet the lot coverage requirements, per Section 16-07.008(6);
3. The Applicant shall provide information regarding the front yard setbacks of the houses of like use on the block face for Georgia Avenue and Pavillion Street, per Section 16-20K.007(1)(a);
4. The Applicant shall clarify whether any parking is proposed as part of this project;
5. Any mechanical equipment shall be indicated on the site plan, shall meet the setback requirement and shall be properly screened, per Section 16-20K.007(2)(B)(13);
6. All materials shall be indicated on the plans;
7. All building materials meet the regulations, per Section 16-20K.007(2)(B)(15); and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**– Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Michael Townsend
475 Atlanta Avenue

Facts: According to the Grant Park Inventory sheet this multi-family dwelling built was built in 1958 is considered non-contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
- (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
- (C) *Rear Yard:* Rear yard setback shall be seven feet.
- (D) *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
- (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity

of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

c. *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this an interior lot, Staff will make comments on the site and the front façade.

Site

The existing interior lot fronts 50' on Atlanta and has a depth of 150'. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50. The Applicant has not provided any FAR calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met. Per underlying zoning, the maximum lot coverage allowed is 55%. The Applicant did not provide lot coverage calculations. Staff recommends the Applicant provide documentation the lot coverage requirements have been met.

In looking at the site plan, it appears the project includes a side addition and a front addition. Per regulations, the side yard setback shall be no less than 7'. Staff finds the proposed side addition meets the regulations. Per regulations, the front yard setback shall either match the previously existing contributing building or shall meet the compatibility rule. As there are no contributing buildings of like use on the block face, the Applicant needs to find a contributing building of like use. Further the Applicant needs to provide documentation the proposed front yard setback meets the requirements. Staff recommends the Applicant provide documentation regarding the front yard setback of a building of like use. Staff further recommends the front yard setback requirement be met.

Renovations and Additions

As this is an interior lot, Staff will only comment on the front façade of the existing building and the front addition.

In looking at the floor plan, it appears the Applicant is adding a third floor. In looking at the proposed elevations, it is not clear where the existing building ends and the new construction begins. The

elevations lack material details, therefore it is not clear what the building will look like in the end. Staff recommends the Applicant revise the elevations to delineate the existing conditions from the proposed conditions. Staff further recommends all material details are indicated on the plans. At this time, Staff finds it is not clear what the proposal is and there are concerns regarding the front yard setback, FAR and lot coverage. Given the information we have at this time, Staff recommends a deferral.

Staff Recommendation: Based upon the following:

1) The plans minimally meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends deferral of the application for a Type III Certificate of (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met per Section 16-06A.008(5)(a);
2. The Applicant shall provide documentation the lot coverage requirements have been met, per Section 16-07.008(6);
3. The Applicant shall provide documentation regarding the front yard setback of a building of like use, per Section 16-20K.007(1)(a);
4. The front yard setback requirement shall be met, per Section 16-20K.007(1)(a);
5. The Applicant shall revise the elevations to delineate the existing conditions from the proposed conditions;
6. All material details shall be indicated on the plans, per Section 16-20K.007(2)(c); and
7. The Applicant shall submit appropriate copies of information and updated plans, no later than eight days before the deferred meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 14, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**– Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Michael Townsend
475 Atlanta Avenue

Facts: According to the Grant Park Inventory sheet this multi-family dwelling built was built in 1958 is considered non-contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*
- (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
- (C) *Rear Yard:* Rear yard setback shall be seven feet.
- (D) Off-street parking and driveway requirements:
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) *Architectural Standards.*
- (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity

of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

(B) *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

c. *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this an interior lot, Staff will make comments on the site and the front façade.

Site

The existing interior lot fronts 50' on Atlanta and has a depth of 150'. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50. The Applicant has not provided any FAR calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met. Per underlying zoning, the maximum lot coverage allowed is 55%. The Applicant did not provide lot coverage calculations. Staff recommends the Applicant provide documentation the lot coverage requirements have been met.

In looking at the site plan, it appears the project includes a side addition and a front addition. Per regulations, the side yard setback shall be no less than 7'. Staff finds the proposed side addition meets the regulations. Per regulations, the front yard setback shall either match the previously existing contributing building or shall meet the compatibility rule. As there are no contributing buildings of like use on the block face, the Applicant needs to find a contributing building of like use. Further the Applicant needs to provide documentation the proposed front yard setback meets the requirements. Staff recommends the Applicant provide documentation regarding the front yard setback of a building of like use. Staff further recommends the front yard setback requirement be met.

Renovations and Additions

As this is an interior lot, Staff will only comment on the front façade of the existing building and the front addition.

In looking at the floor plan, it appears the Applicant is adding a third floor. In looking at the proposed elevations, it is not clear where the existing building ends and the new construction begins. The

elevations lack material details, therefore it is not clear what the building will look like in the end. Staff recommends the Applicant revise the elevations to delineate the existing conditions from the proposed conditions. Staff further recommends all material details are indicated on the plans. At this time, Staff finds it is not clear what the proposal is and there are concerns regarding the front yard setback, FAR and lot coverage. Given the information we have at this time, Staff recommends a deferral.

Staff Recommendation: Based upon the following:

1) The plans minimally meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends deferral of the application for a Type III Certificate of (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met per Section 16-06A.008(5)(a);
2. The Applicant shall provide documentation the lot coverage requirements have been met, per Section 16-07.008(6);
3. The Applicant shall provide documentation regarding the front yard setback of a building of like use, per Section 16-20K.007(1)(a);
4. The front yard setback requirement shall be met, per Section 16-20K.007(1)(a);
5. The Applicant shall revise the elevations to delineate the existing conditions from the proposed conditions;
6. All material details shall be indicated on the plans, per Section 16-20K.007(2)(c); and
7. The Applicant shall submit appropriate copies of information and updated plans, no later than eight days before the deferred meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 14, 2013**

Agenda Item: Application for a Review and Comment (RC-13-208) for alterations and site work at **535 West Whitehall Street (aka 770 Oak Street) (Fire Station #7)** - Property is zoned SPI-21 (Subarea 2).

Applicant: Billy Warren, Office of Enterprise Asset Management
68 Mitchell Street

Facts: The two-story fire station was constructed in 1910 and is one of the oldest fire stations in the City of Atlanta. Typical of fire stations at that time in the City, it contained two equipment bays (with two corresponding doors), lockers and storage on the first floor, and living quarters on the second floor. At some point in the past, a tower was added on the south side of the building. The building has been vacant for several years, but will be initially reopened after the renovations as an Emergency Medical Services building with six people.

The entire site is entirely covered with asphalt and concrete with a tall chain link fence located along the West Whitehall Street property edge. There is a metal shed roof off of the rear of the station building, which is located parallel and close to the Oak Street frontage of the property. Over the equipment bay doors is a metal shed awning as well. At the rear of the property there is a large retaining wall behind which and at the higher grade is more City of Atlanta property historically associated with the fire station.

The proposal consists of a complete renovation, both on the exterior and interior. The currently empty basement will be renovated to incorporate mechanical and electrical systems, storage, and elevator-related equipment. The elevator will connect the basement, first and second floors. New preparation, storage, and office areas will be provided on the first floor behind the equipment bays. The second floor will be subdivided into sleeping quarters, a work out area, common area, and commercial kitchen.

The property to the west of the retaining wall is not proposed for any work in this application.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Site Work

There is no site work indicated on the site plan or described in the narrative on the application form. The Staff would anticipate that the existing chain link fence will be either repaired or replaced as necessary. There are no changes proposed for the asphalt paving, concrete, curb cuts, or other site features.

Removal of Tower

As noted above, the brick tower on the south side of the building will be removed as part of the renovation. Based on information from OEAM and a Staff site visit, the interior of the tower does not connect to the interior of the main portion of the fire station.

It is the Staff's understanding that this tower is being removed to allow for a future addition on the south side of the original building. While it is not original to the building, the Staff finds that it does represent the physical evolution of the station and likely changes in fire fighting techniques, equipment and/or man power. Given that there is potential historic significance to the tower, the Staff would recommend that the tower and its relationship to the main portion of the fire station be photographically documented prior to the tower's demolition. The Staff would further recommend that this documentation be maintained by the Fire Department and deposited in a publically assessable archive.

Building Renovations

While it is the Staff's understanding that the proposed renovations will retain some of the remaining historic features and finishes at the station (both interior and exterior), there are several renovations actions that are unclear or about which the Staff has questions.

First, the plans included in the submission note that the existing wood, double hung windows will be repaired. However, the narrative on the application form indicates that the windows "...will be replaced with new, energy efficient reproductions." In addition to the fact that it is not clear what approach will be used, the Staff is concerned that the replacement of the existing windows will result in a substantial loss of historic fabric. During its site visit, the Staff did observe broken glass and windows elements, but not wholesale damage or deterioration that would necessarily warrant wholesale replacement. Further, the Commission's review of previous window replacement proposals would suggest that the energy efficiency gained by the window replacement in a masonry building is less than expected and the apparent savings can be off-set by the expense of procuring windows similar in design and quality as those being removed.

Second, the Staff would recommend that the brick repointing work be done using a mortar that is similar in strength as the original mortar so as to not create long-term damage to the brick and other masonry materials. The Staff would note that the building appears to have been repointed in the past (maybe at the time the tower was built) after which the building was repainted. Older mortars tend to be "softer" than modern mortars which is more compatible with the "softer" brick used for buildings of this era. The Staff does not have concerns about the repainting of the building once this work is complete given that the building has been painted several times in the past (both red and off-white).

Third, it is not clear from the plans what interior finishes and features will be able to be retained in the renovations. Based on its site visit, the Staff finds that there are significant interior finishes and features that still exist at the station and that could be retained and incorporated into the renovation proposal. These could include ceiling finishes, original dividing walls, stairs, doors, trim, and flooring. While the Staff's first recommendation would be to retain and incorporate them into the renovation proposal, if that is not possible, the Staff would recommend that they be retained and wrapped and/or fixed in place so as to allow them to still be a part of the station's historic character and understood in the future.

Fourth, there is a plaque of some type between the equipment bay doors that is not shown on the proposed elevations. The Staff would recommend that this plaque be retained and cleaned in the renovation proposal.

Staff Recommendation: The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-13-208) for alterations and site work at **535 West Whitehall Street (aka 770 Oak Street) (Fire Station #7)** - Property is zoned SPI-21 (Subarea 2).



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 26, 2013

Updated

August 14, 2013

(all updated information in italics)

Agenda Item: Applications for Type III Certificate of Appropriateness (*CA3-13-192*) for a variance to reduce the south side yard setback from 7 ft. (required) to 4 ft. (proposed), to reduce the rear yard setback from 10 ft. (required) to 5 ft. (proposed), and to reduce the length of the driveway past the front façade of the house from 20 ft. (required) to 10 ft. (proposed) and (*CA3-13-148*) for a new single family house at 20 Howell St. -- Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Intown Builders
655 Ralph McGill Boulevard

Facts: This is currently a vacant lot.

At the June 12, 2013 meeting, this application was deferred to allow the Applicant time to submit updated plans and additional information.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

(5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."

(11) *Off-street parking:*

a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.

b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) *Permitted principal uses:*

a. Single-family dwellings.

(3) *Development controls:*

a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.

b. *Maximum height:* The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Variance

The Applicant is requesting variances to reduce the south side yard setback to 4', the rear yard setback to 5' and to reduce the length of the driveway past the front façade of the house to 10'. According to the Applicant, the lot is unusual due to its size. As the lot in question has a frontage of 35.5' and a depth of 76.70', Staff would agree that the size of the lot limits the buildable area. Further, as many of the houses on the street and in the district have small setbacks, Staff finds there would not be a public detriment. Staff supports the side and rear yard setback request.

In regards to the length of the driveway, according to the Applicant, shortening the driveway would allow for more green space and better drainage. Staff finds there are other solutions to providing more green space and better drainage. Alternative materials or ribbon strips could be used instead of poured concrete to allow for better drainage. In regards to green space, a better solution is to provide more green space in the rear by eliminating the deck or reducing its size. Parking is not required and the Applicant has not provided information as to why it is a hardship to either eliminate the parking or meet the driveway length requirement. Given the information we have at this time, Staff does not support the driveway length variance. Staff recommends the driveway variance is eliminated from the request.

Site

The site plan submitted indicates the existing lot fronts 35.5' on Howell Street and has a depth of 76.70'. In looking at the City Cadastral map, the lot is indicated as fronting 34.5' on Howell Street. Given the size of the lot, Staff finds that 1' makes a difference. Staff would also note that a building permit cannot be issued until the lot discrepancy is resolved. Staff suggests the Applicant contact the Office of Planning Subdivision Staff to resolve the lot discrepancy issue.

Per regulations, the front yard setbacks are based on the compatibility rule. In looking at the site plan submitted by the Applicant, there are front yard setback measurements for four houses. Staff has concerns as there are only three contributing houses on the block (14, 24 and 28 Howell Street). The addresses of the houses are not indicated on the site plan, therefore it is not clear whether the houses indicated on the site plan are contributing. Lastly, it is not clear whether the measurement were made to the front façade of the house or the porch. Staff recommends the Applicant provide front yard setback information for 14, 24 and 28 Howell Street. Staff recommends the Applicant clarify how the front yards setbacks were measured. Staff recommends the front yard setback meet the requirements.

In an updated site plan, the addresses of the properties are indicated. While the Applicant indicates four houses are to be used as points of comparisons, only three houses are contributing and can be used. The front yard setback is based on the compatibility rule with an allowed 5% differential. As such, Staff finds the proposed front yard setback meets the requirements.

Per regulations, the side yard setbacks shall be no less than 7'. Staff finds the left side yard setback is more than 7' and therefore meets the requirement. Staff finds the right side yard setback 3.4' and therefore does not meet the requirement. Staff would note that by moving the house to accommodate the right side yard setback, it is likely that the left side yard setback would be in violation. Staff recommends the side yard setbacks be no less than 7' or the Applicant shall apply for a variance.

As mentioned in the variance analysis, Staff is in support of the side yard setback variance.

Per regulations, the rear yard setback shall be no less than 7'. The proposed rear yard setback as measured from the deck is 2' and therefore does not meet the requirements. Staff recommends the rear yard setback is no less than 10' or the Applicant shall apply for a variance. There is a driveway that is located in the front yard. Parking is not allowed in the front yard. Staff recommends the proposed driveway be located no less than 20' past the front façade of the house. Staff would note that parking is not required in the subarea, therefore the Applicant could eliminate the proposed driveway. Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

As indicated in the variance analysis, Staff is in support of the rear yard setback variance. As Staff is not in support of the variance for the driveway, Staff retains its recommendation.

Massing and Building Height

Per regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. On the site plan the Applicant provided four height measurements. As previously mentioned, Staff has concerns as there are only three contributing houses. Staff recommends the Applicant provide the height measurements for 14, 24 and 28 Howell Street. Staff further recommends the Applicant provide information on how the height was measured. Staff recommends the proposed house meet the height requirement. In looking at GIS available online and survey pictures, Staff finds length and width of the proposed house is similar to the other contributing houses on the block.

The Applicant indicates the building heights were determined using conventional survey methods. Staff is not concerned with the tools used to measure, but rather exactly how the houses were measured. For example, were the houses measured from average grade, from the sidewalk, from grade to peak, etc. In looking at the survey pictures, Staff has concerns regarding the information provided for the heights of the existing houses. Staff retains its recommendation regarding how the houses were measured.

Design

The proposed two-story house is defined by a gable roof and a full width porch with a hipped roof. While Staff finds that the proposed house is typical of many of the non-contributing houses on the block, Staff finds it is not consistent and compatible with the existing historic houses at 14, 24 or 28 Howell Street. Staff recommends the design be revised to be consistent and compatible with one of the contributing houses on the block.

Staff retains its recommendation regarding the overall design of the proposed house.

Fenestration

Staff has concerns regarding the fenestration pattern. Most historic windows are more vertical in proportion. In general, Staff finds the proposed windows are more horizontal than vertical. Staff recommends the windows be more vertical in proportion. Staff finds there are large amounts of blank wall on the side elevations. Staff recommends additional windows be added to the side elevations. Staff finds there is not enough separation between units. Staff recommends all window units have greater separation. Staff recommends the windows feature appropriate trim, headers and actual sills that are compatible with the historic windows on the block.

In updated plans, the windows appear to be more vertical and there is greater separation in between units. Staff retains its recommendations regarding additional windows on the side elevations. As the trim measurements are not indicated, Staff retains its recommendations regarding the trim, headers and sills.

Materials

The plans indicate cementitious siding. Staff recommends the plans indicate smooth cementitious siding with a 4"-6" reveal to be consistent and compatible with other houses. There are no other material details indicated on the plans. Staff recommends the elevations indicate all proposed building materials.

Staff retains its recommendations regarding the siding and the material details.

At this time, Staff finds there are several concerns regarding the setbacks, height, parking, design, fenestration and building materials. Given the information we have at this time, Staff finds a deferral is appropriate.

Staff Recommendations: Based upon the following:

- a) *The variance requests meet the requirements, with the exceptions noted in the above analysis, per Section 16-20C.005;*

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-192) for a variance to reduce the south side yard setback from 7 ft. (required) to 4 ft. (proposed), to reduce the rear yard setback from 10 ft. (required) to 5 ft. (proposed), and to reduce the length of the driveway past the front façade of the house from 20 ft. (required) to 10 ft. (proposed) at 20 Howell St. - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 1)/Beltline., to with the following conditions:

- 1. The driveway variance shall be eliminated from the request.*

Staff Recommendations: Based upon the following:

- b) The plan minimally meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003(4);

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-148) for a new single family house at **20 Howell St.** -- Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to with the following conditions:

1. The proposed driveway shall be located no less than 20' past the front façade of the house, per Section 16-20C.003(11);
2. The Applicant shall provide information on how the height was measured, per Section 16-20C.005(3)(b);
3. The proposed house shall meet the height requirement, per Section 16-20C.005(3)(b);
4. The design shall be revised to be consistent and compatible with one of the contributing houses on the block, per Section 16-20.009(6);
5. Additional windows shall be added to the side elevations, per Section 16-20.009(6);
6. The windows shall feature appropriate trim, headers and actual sills that are compatible with the historic windows on the block, per Section 16-20.009(6);
7. The plans shall indicate smooth cementitious siding with a 4"-6" reveal, per Section 16-20.009(6);
8. The elevations shall indicate all proposed building materials, per Section 16-20.009(6); and
9. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 26, 2013

Updated

August 14, 2013

(updated information in italics)

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4H-13-157) for demolition due to a threat to health and safety at **303 Oakland Avenue** – Property is zoned I-1/Grant Park Historic District (Subarea 1).

Applicant: James Talley
230 John Wesley Dobbs Avenue

Facts: According to the Grant Park Inventory, this single family dwelling is considered contributing. In looking at Fulton County Tax assessors, the existing dwelling was built in 1920.

At the June 26th meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.

Analysis: The following code sections apply to this application:

Per Section 16-20.007. Certificates of appropriateness; generally.

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(4) Historic Districts:

(c) To demolish or move any contributing structure in whole or in part, within an Historic District;

Analysis: The following code sections apply to this application:

Per Section 16-20.007. Certificates of appropriateness; generally.

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(5) Historic Districts:

(c) To demolish or move any contributing structure in whole or in part, within an Historic District;
Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

- (1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - a. The demolition is required to alleviate a threat to public health and safety;
 - (2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:
 - a. Threats to public health and safety:
To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:
[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]
- (1) Certificates of Appropriateness.
- d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

Staff Response to the Application Submitted

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.

The Applicant submitted a 2012 report from a consulting firm (AMEC) that provided an assessment of the existing property. The report itself is very detailed regarding the various problems with the existing structure and the actual land.

In reading the narrative, the report and looking at pictures, it is apparent that the existing house is in severe disrepair. According to the report, the roof members are showing signs of displacement due to additional dormers that were added. The interior brick piers have deteriorated and were replaced with masonry columns. The report raises concerns that the masonry columns installed are not supported by a suitable foundation structure. There are concerns regarding poor drainage and how that negatively impacts the existing structure. There is a statement that the property requires extensive repairs to the foundation system and redesign of the roof and framing system to support the current load.

Another set of report raises concerns regarding asbestos, lead, and mold and termite infestation. Lastly, a geotechnical assessment was done to look at potential subsurface level issues. The report concludes that the poor soil condition was the main culprit in the settlement of the building.

Staff finds that a major and imminent threat exists when the building is in danger of collapse. While the detailed reports indicate there are structural, environmental and subsurface issues with the house and lot, it is not clear to Staff that the existing house is in danger of collapse and therefore an imminent threat. Staff would note that the report indicates that demolition is the easiest and most cost effective solution, Staff is not convinced that it is absolutely necessary.

Staff recommends the Applicant provide additional analysis that indicates a major and imminent threat to public health and safety exists.

In updated information, the Applicant provides additional information and analysis regarding whether a major and imminent threat to public safety exists. The information summarizes some of the previous documentation submitted and provides additional analysis regarding the deterioration of the foundation, framing, asbestos, termite damage, mold and footing issues. While Staff would agree that all of the above mentioned concerns are problematic, the documentation submitted does not indicate that the existing property is a major and imminent threat as defined in the paragraph above.

2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.

The Applicant did not provide any alternatives to demolition. Staff recommends the Applicant present all reasonable alternatives to rectifying the threat or an explanation as to why there are not reasonable alternatives.

The Applicant provided additional analysis regarding alternatives for rectifying the threat. The Applicant indicates some of the things that could be done to rectify the threat, however the Applicant concludes that the alternatives would be too difficult and too costly. Staff recommends the Applicant provide a cost analysis of the alternatives for rectifying the threat.

3. Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, each of the following factors:

a) The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.

The property owners were aware of the historic designation at the time of purchase.

b) The current level of economic return on the property as considered in relation to the following:

(1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

The property was purchased as part of an assemblage in 2011. The cost for the assemblage was \$800,000. The Applicant indicates that based on square footage, 303 Oakland cost \$328,000.

(2) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

There is no information.

- (2) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.**

There is no debt owed.

- 4. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.**

	Taxes Paid	Assessed Value	Appraised Value
2012	\$2,655.20	\$59, 760	\$149, 400
2011	\$2794.08	\$62, 880	\$157, 200
2010	\$2,777.10	\$62,880	\$157,200
2009	\$44057.88	\$91,880	\$229,700

- 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.**

According to the Applicant, no appraisals were done. All information was gathered from the Fulton County Tax Commission website.

- 6. The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.**

According to the Applicant, the property value immediately before designation was \$149,400.

- 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.**

According to the Applicant the property is owned by a Georgia limited liability whose sole member is a non-profit corporation.

- 8. Any state or federal tax returns on or relating to the property for the past two (2) years.**

According to the Applicant, the owner is not required to file taxes.

- 9. That the property if not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years. Including testimony and relevant documents regarding:**

- a) Any real estate broker or firm engaged to sell or lease the property.**

According to the Applicant, no one has been engaged to sell or lease the property.

- b) Reasonableness of the price or rent sought by the applicant.**

According to the Applicant, the property cannot be rented or sold in its current condition..

- c) **Any advertisement placed for the sale or rent of the property.**

According to the Applicant, the property was purchased as a defensive move.

10. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

- a) **A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.**

The Applicant provided a report from a licensed engineer. According to the engineer, the building should be demolished. The report by the engineer indicates the structure is not suitable for rehabilitation, however the report does not indicate why the building cannot be rehabilitated and must be demolished.

- b) **Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alterations.**

The Applicant has provided estimates for rehabilitation. According to the Applicant the hard and soft costs for rehabilitation are \$183,250.

- c) **Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.**

According to the Applicant, the current market value is \$50,000 with the house and \$43,000 without the house.

- d) **In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.**

According to the narrative, the cost of purchasing the house and the rehabilitation of the house would be \$511,250. According to the narrative, the cost and process of soil remediation would in the end be too costly. It is the professional opinion of the engineer that rehabilitation is not feasible.

- e) **The infeasibility of new construction around, above, or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.**

According to the Applicant there is no way to build around the structure. Further the Applicant finds there is no market for a transfer of development rights.

11. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

According to the Applicant, the economic incentives are not sustainable enough to justify the cost of the rehabilitation. Staff recommends the Applicant provide information on each economic incentive with an explanation as to why the incentive in question is not feasible.

Per Staff recommendation, the Applicant provided information and feasibility on the various economic incentives.

12. Also, please provide photographs of the existing conditions of the building, both exterior and interior.

The Applicant provided pictures.

Overall Comments

Based on the reports, narrative and pictures provided by the Applicant, Staff finds that the existing building is in a state of disrepair. It is clear that there are structural, environmental, subsurface, interior and building material issues.

There is a great deal of discussion regarding the condition of the soil, settlement, erosion and water infiltration. According to the Applicant, in order to remedy the above mentioned problems, the house would have to be demolished. What is not clear is whether the work on the soil is required and whether there are any alternatives to remedy the settlement issue. It is also not clear whether the settlement issue is an immediate issue or a long term issue. While there is a great deal of information submitted regarding the soil, settlement, erosion and water infiltration, what is never made clear is whether these issues create an imminent and major threat to public health and safety. Staff recommends the Applicant provide an analysis as to whether the issues with the soil, settlement, erosion and water infiltration cause the existing building to be an imminent and major threat to public health and safety.

The Applicant submitted updated information regarding the soil, settlement and erosion issues. It is clear that there are issues and concerns regarding the soil, settlement, water infiltration and erosion issues. It appears that if the above mentioned issues are not resolved, any rehabilitation of the house would be pointless and the underlying problems with the land would continue to negatively impact the house. It is possible that the costs associated with resolving the soil, settlement, erosion and water infiltration would be cost prohibitive when coupled with the cost to rehabilitate the existing house. Without having a cost analysis of what it would cost to resolve the above mentioned concerns, Staff cannot make a determination as to whether it would be cost prohibitive to rehabilitate the existing house.

One of the things missing beyond the cost analysis is clear documentation that a major and imminent threat exists. For instance, will underlying problem with the soil, erosion, etc. cause the walls to collapse? Will the problems with erosion and water infiltration cause the house to slide off of the foundation? Staff finds that the Applicant should provide more clarification and documentation that clearly show an imminent threat exists. Staff retains its recommendation.

There is a detailed list of what it would cost to rehabilitate the existing building. According to the Applicant, the total cost is \$511,250, this includes \$328,000 that was already spent purchasing the property. Given the appraised and fair market values submitted by the Applicant, Staff finds the

purchase price is not in keeping with market at the time the property was acquired. As such, Staff finds the purchase price should not be used as a factor in determining whether rehabilitation is feasible. What was not provided it how much the property would be worth with rehabilitation. Staff recommends the Applicant provide information on how much the property would be worth with rehabilitation.

The Applicant provided an appraisal report. Staff has some concerns regarding the report as it makes assumptions that the properties used in the analysis have been renovated, but it is not clear that the properties have been renovated. In the report it appears that there is a range of values indicated from \$210,000 to \$325,000. The report does not include the sale of the subject property that was purchased for \$328,000. Given the various numbers submitted and the fact that the price of the subject property was not included, Staff has concerns as to whether the \$230,000 post rehabilitation value is accurate. Staff retains its recommendation.

While Staff finds that the building in its current condition is unsafe and a nuisance, Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. As previously mentioned, a major and imminent threat to public health exists when the building is in danger of collapsing. Based on the information submitted, Staff finds a major and imminent threat has not been proven. Given the information we have at this time, Staff cannot support the application for demolition.

With the information we have at this time, Staff finds the Applicant has proven the building in its current condition has numerous problems. The Applicant has further proven that there are problems with the land that will continue to negatively impact the building, even if rehabilitation were to be done. Staff finds it is a possibility that resolving the problems with the soil, erosion, water infiltration and settlement, coupled with the cost to rehabilitate the house, would be cost prohibitive. With that said, Staff does not have enough information and documentation to support the demolition of the building at this time.

Comment on Application Materials by the Office of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, Staff will include the report in the file for future reference.

The Office of Buildings has submitted a report regarding the property. While they did not gain access to the inside of the building, the report concluded that the property is unsafe and can be demolished.

Staff Recommendation: Based upon the following:

- a) The Applicant has not proven a threat to public health and safety, per Section 16-20.008;

Staff recommends approval of the application for a Type IV Certificate of Appropriateness (CA4H-13-157) for demolition due to a threat to health and safety at **303 Oakland Avenue** – Property is zoned I-1/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide additional analysis that indicates a major and imminent threat to public health and safety exists, per 16-20.008;

2. The Applicant shall submit a cost analysis for the alternatives submitted regarding rectifying the threat, per Section 16-20.008;
3. The Applicant shall provide an analysis as to whether the issues with the soil, settlement, erosion and water infiltration cause the existing building to be an imminent and major threat to public health and safety, per Section 16-20.008;
4. The Applicant shall provide information on how much the property would be worth with rehabilitation, per Section 16-20.008; and
5. Staff shall review and if appropriate approve the final documentation and plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 26, 2013

Agenda Item: Application for a Review and Comment (RC-13-149) on additions and alterations at 16 West Wieuca Road (Chastain Park) – Property is zoned R-3.

Applicant: Chastain Park Conservancy
4001 Powers Ferry Road

Facts: Chastain Park is located in the East Chastain Park neighborhood in NPU B. In 2008, the Commission commented on a reviewed and comment application (RC-08-031) on a master plan for Chastain Memorial Park.

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial

evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

In 2008, the Commission reviewed and commented on a master plan for Chastain Park. As part of the master plan, a playground addition is proposed. In looking at pictures submitted by the Applicant, the existing playground appears to have standard equipment that is typical of most parks in the City. The current submission proposes to renovate the existing playground area and significantly expand the size of the playground. In addition, the Applicant is proposing a covered pavilion and a performance pavilion.

In looking at the proposed site plan, Staff would note that parts of the playground are broken up into different age groups. On the eastern side of the playground is pre-school and toddler area. On the western side of the playground is challenge play and adventure climbing hill for older children. Staff finds that having different areas where different aged children can play and interact is important. Often the equipment in playgrounds only serves a limited age group which makes it a challenge to attract all children to playgrounds. The proposed renovations and additions to the existing playground will attract a larger age range.

Also proposed are ADA accessible paths, swings and a tree house. The addition of ADA components in the playground will also attract those that are differently abled. Staff would also note that south of the playground is a large grassy area referred to as "Chastain chill/tumble hill" that will allow for further recreation away from the equipment. In general, Staff finds the site is appropriate with seating throughout, security lighting, restrooms with a covered pavilion nearby, new crosswalks and an expanded parking area across the street. Proposed landscape buffers provide an additional layer of protection from the nearby street and paths that allow for easy access to other parts of the park.

Staff does have a few concerns. There appears to be additional landscape being added both inside and on the edges of the playground. While Staff is supportive of additional plantings, it is not clear what the proposed plantings are. It is not clear whether the plants will be in bloom all year and whether they are easily maintained. Staff suggests the Applicant provide information regarding the landscape plan. While Staff is supportive of the new playground equipment, the details and materials are not clear. Staff suggests the Applicant provide some details regarding the proposed playground equipment. Staff suggests the playground include equipment with appropriate materials that are durable, safe and easy to maintain.

The Applicant is proposing to add both a covered pavilion/restroom area and a performance pavilion. Staff finds the proposed restroom/covered pavilion area will be a great amenity to the playground area and the performance pavilion will be a great amenity to the park. Staff finds the locations of the buildings are appropriate. In looking at the renderings, Staff finds the design of the proposed buildings is consistent with other similar structures in the park. As there are no scaled elevations of the buildings, its full massing is not clear. Staff suggests the Applicant provide scaled elevations of the proposed buildings.

In general, Staff finds all of the proposed renovations, alterations and proposed buildings are highly appropriate and will be a great amenity for those visiting Chastain Park.

Staff recommends the Commission deliver its comments at the meeting.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
July 10, 2013

Agenda Item: Review and comment (RC-13-163) on application Z-13-017 on the rezoning from R-5/C-2-C to C-2-C at **40 and 46 Boulevard, 25, 27, 33, and 39 Daniel Street and 492 and 496 Gartrell Street**. Property is zoned C-2-C / R-5 / Beltline.

Applicant: Watts and Browning
1180 Bells ferry Road, Marietta

Facts: The proposed rezoning is located south of Edgewood Avenue, on a block also bounded by Boulevard, Daniel Street, and Gartrell Street. The southern boundary of the Martin Luther King, Jr. Landmark District is located at the northern portion of this same block.

In 2001, a rezoning was approved by the City of Atlanta which involved much of the same property as included in the current rezoning proposal. This 2001 rezoning created the C-2-C district that is proposed for rezoning now. The current rezoning proposal also includes R-5 zoned property that was not a part of the 2001 rezoning.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:*
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.*

Upon reviewing the current rezoning application before the Commission at this time, the approved 2001 rezoning legislation, the City's current GIS-based Zoning Map, the City's previously-used velum and ink Zoning Map, and the City's cadastral / plat maps, the Staff finds that the 2001 rezoning legislation changed the southern boundary of the Martin Luther King, Jr. Landmark District. The 2001 legislation, as documented in the 2001 legislation's legal

description and site plan, rezoned a thin section property from the Martin Luther King, Jr. Landmark District to C-2-C. This action essentially moved this portion of the southern boundary of the Martin Luther King, Jr. Landmark District slightly north to what would correspond to the northern property line of 26 Boulevard, using the addresses used in the 2001 rezoning legislation. This thin section of property is now considered to be the very northern portion of 40 Boulevard, as depicted in the current rezoning application / site plan and using the addresses listed therein. The boundary line of the Martin Luther King, Jr. Landmark District, given the results of the 2001 rezoning legislation, would now be considered the northern property line of 40 Boulevard.

As such, the Staff finds that the proposed rezoning does not affect property that is located within the Martin Luther King, Jr. Landmark District or any other designated district. As a result, the Staff has concluded that Section 6-4043(e)(6) does not apply to Z-13-017. Further, given that Section 6-4043(e)(9) does not apply to Z-13-017, no Commission comment is required nor authorized regarding the proposed rezoning.

Staff Recommendation: Staff recommends that a letter with analysis of the Staff concluding that no Commission comment is required for application Z-13-017 on the rezoning from R-5/C-2-C to C-2-C at **40 and 46 Boulevard, 25, 27, 33, and 39 Daniel Street and 492 and 496 Gartrell Street** be sent to the Office of Planning and other concerned parties.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

July 10, 2013

Updated

August 14, 2013

(all updated information in italics)

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-169) for a new single-family dwelling at **696 Oakland Avenue**– Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Bill Stephenson
1145 Alta Avenue

Facts: According to the Grant Park Inventory sheet this single family dwelling was built in 1928 and is considered contributing.

On May 8, 2013, the Commission approved with conditions an Application for a Type IV Certificate of Appropriateness (CA4H-13-069) for demolition of an existing single family residence due to a threat to health and safety at 696 Oakland Avenue, with the following conditions:

1. The Applicant shall submit documentation of the front façade to Staff before the building is demolished; and
2. The front façade submitted for new construction shall follow the existing façade as closely as possible.

At the July 24th meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Grant Park Historic District.

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.

- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

- a. Paving materials for walks and drives: Black asphalt is prohibited.
- b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
- c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
- d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
- e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
- f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

Sec. 16-06B.008. Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

(5) Maximum floor area within this district:

- a. For a lot which meets the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area ratio shall not exceed 0.75 total of the net lot area.
- b. For a lot which does not meet the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area shall not exceed the lesser of either:
 1. 2,100 square feet of floor area: or
 2. A maximum floor area ratio of 0.90 of the net lot area.

(6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 85 percent of the net lot area.

Site Plan

The site plan submitted is not properly scaled and the frontage is not indicated. Staff recommends the Applicant submit a properly scaled site plan. In looking at the City of Atlanta cadastral map, the lot fronts 40' on Oakland Avenue and has a depth of 102.4' on its longest side. The front yard setback can be based on the compatibility rule or can match the front yard setback of the previously existing contributing structure of like use. As the Applicant is going to use the front yard setback of the existing house, Staff finds the front yard setback requirement has been met.

The Applicant submitted a site plan, however there is no scale on the plans. Staff retains its recommendation regarding submitting a properly scaled site plan.

Per regulations, the side yard setbacks shall either be 7' or shall match the side yard setbacks of the previously existing contributing building of like use. The side yard setbacks are less than 7' and it is not clear whether the side yard setbacks match the setbacks of the existing house. Staff recommends the Applicant provide documentation the side yard setbacks meet the regulations. Per regulations, the rear yard setback shall be no less than 7'. Although the site plan is not properly scaled, the rear yard setback appears to be significantly more than 7'. Staff does not have concerns regarding the rear yard setback.

The Applicant did not provide information regarding the side yard setbacks of the previously existing house and whether the proposed side yard setbacks match. Staff retains its recommendation regarding the side yard setbacks.

Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage calculations are not indicated on the plans. Staff recommends the Applicant provide documentation the lot coverage requirement has been met. As this is a non-conforming lot, the maximum FAR (floor area ratio) shall not exceed the lesser of either: 3,750 sq. ft. 0.65 of the net lot area. Staff finds the FAR requirement has been met.

Per regulations, a walkway from the front of the house to the sidewalk is provided. As the Commission conditioned the approval of the demolition on having the new front façade match the original façade as closely as possible, Staff finds the walkway should actually go from the side of the porch to the existing driveway. As this is based on a condition approved by the Commission, no variance from the requirements is necessary. Staff recommends the site plan indicate a walkway that leads from the side of the porch to the existing driveway. Staff recommends the material details of the walkway are indicated on the plans.

The Applicant did not provide any information regarding the lot coverage. Staff retains its recommendation regarding the lot coverage. The site plan does not indicate a sidewalk that leads from the porch to the driveway. Staff retains its recommendation regarding the walkway.

Design Massing and Building Height

The proposed 1 ½ story house is defined by a 7 in 12 gable roof and a hipped roof over a half width porch. Staff has concerns regarding the overall design as it is significantly different than the historic single-family dwelling that was demolished. As the Commission approved the demolition with the condition that the new front façade follow the historic structure as closely as possible, Staff finds portions of the design should be revised.

The historic house was defined by a hipped roof, with a nearly 2/3rd's width porch with a gable roof. Staff would also note the side cheek walls with side stairs that lead to the driveway. Staff recommends the front façade design is altered to be a hipped roof over the main house, a 2/3rd's width porch with a gable roof, side cheek walls with side stairs and tapered columns on a brick base.

Staff retains its recommendation regarding a hipped roof over the main house. In revised drawings, the porch features a gabled roof, masonry piers, tapered columns and side stairs with cheek walls.

Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the proposed height is less than 35' and therefore the height requirement has been met. Staff finds the proposed massing is compatible with other similar houses.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the façade that faces a public street.

Windows and Doors

A single front door is parallel and facing the Oakland Avenue as required. Staff finds the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1 double hung windows. The material of the windows is not indicated on the plans. Staff recommends all building materials are indicated on the plans. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the percentage requirements have been met. Additionally, Staff finds the design of the windows is similar to other windows in the district.

Building Materials

The proposed materials include 6" smooth cementitious siding, architectural composite shingles and masonry piers. Staff recommends the siding has a 4" to 6" reveal. The foundation material is not indicated on the plans. As previously stated, Staff recommends all building materials are indicated on the plans.

Per Staff recommendations, the siding is indicated as having a 4'-6" reveal. Per Staff recommendation, some of the material details have been added to the plans. Not all of the material details were added. Staff retains its recommendation regarding the materials.

Porch

Per regulations, new porches shall have a depth on no less than 7'. The proposed porch depth is 8' and therefore meets the regulations. As previously mentioned, Staff recommends a 2/3rd's width porch with a gabled roof, tapered columns over brick piers and side cheek walls with side stairs.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007(2)(B).

Staff recommends approval of the application for a Type III Certificate of (CA3-13-169) for a new single-family dwelling at **696 Oakland Avenue**— Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall submit a properly scaled site plan;
2. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-06B.008(6);
3. The Applicant shall provide documentation the side yard setbacks meet the regulations, per Section 16-20K.007(1)(b);
4. The site plan indicate shall indicate a walkway that leads from the side of the porch to the existing driveway, per Commission conditions of approval for CA4H-13-069;
5. The front façade design shall altered to be a hipped roof over the main house, a 2/3rd's width porch with a gable roof, side cheek walls with side stairs and tapered columns on a brick base, per Commission conditions of approval for CA4H-13-069;
6. All building materials are indicated on the plans; and
7. Staff shall review, and if appropriate, approve the final plans.